**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

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| TRAVELERS CASUALTY AND SURETY COMPANY as Administrator for RELIANCE INSURANCE COMPANY, <br><br> Plaintiff <br><br> vs. <br><br> DORMITORY AUTHORITY – STATE OF NEW YORK, et al , <br><br> Defendants. | Case No. 07-CV-6915 (DLC) <br> **ECF CASE** |
| DORMITORY AUTHORITY OF THE STATE OF NEW YORK AND TDX CONSTRUCTION CORP., <br><br> Third-Party Plaintiffs, <br><br> vs. <br><br> TRATAROS CONSTRUCTION, INC , <br><br> Third-Party Defendant. | |
| TRATAROS CONSTRUCTION, INC. and TRAVELERS CASUALTY AND SURETY COMPANY, <br><br> Fourth-Party Plaintiffs, <br><br> vs <br><br> CAROLINA CASUALTY INSURANCE COMPANY, et al , <br><br> Fourth-Party Defendants. | **DECLARATION OF ROBERT R. BROOKS-RIGOLOSI** <br> **IN SUPPORT OF MOTION TO DISMISS** |

I, Robert R. Brooks-Rigolosi, of full age, under penalty of perjury pursuant to 28 U.S C § 1746, and Local Civil Rule 1 10, declare that the following is true:

      1.     I am an associate in the law firm Segal McCambridge Singer & Mahoney, Ltd., attorneys for Specialty Construction Brands, Inc. t/a TEC ("TEC"), and am fully familiar with the facts herein.

      2.     I respectfully submit this Declaration on behalf of TEC's motion, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, seeking a dismissal of the Complaint
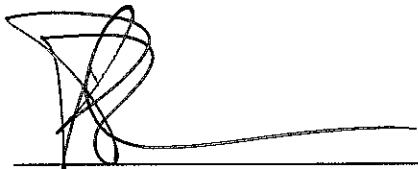
brought by Fourth-Party Plaintiffs Trataros Construction, Inc. and Travelers Casualty and Surety Company.

3    Attached as Exhibit "A" is a true and exact copy of Fourth-Party Plaintiffs' Summons and Complaint, dated November 13, 2007.

4.    For the reasons set forth within the Memorandum of Law, and based upon the exhibit attached hereto, TEC respectfully requests that the Complaint be dismissed as against it, and further requests that this Court grand an order for costs and for such other, further and different relief as this Court may deem just and proper.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: New York, New York
        January 14, 2008

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Robert R. Brooks-Rigolosi (RRBR 5264)